

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

TRACY R. TURNER, )  
                        )  
Plaintiff,           )  
                        )  
v.                     ) No. 3:21-cv-00042  
                        ) Judge Richardson  
METROPOLITAN GOVERNMENT OF     ) Magistrate Judge Newbern  
NASHVILLE AND DAVIDSON COUNTY, )  
                        )  
Defendant.           )

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**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

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The Court should grant summary judgment to the Metropolitan Government of Nashville and Davidson County, Tennessee because its Fire Department lawfully disciplined Plaintiff for speech that undermined its mission and caused disruption. Under the *Pickering* balancing test, Plaintiff's Facebook posts from the summer of 2020 are not entitled to a high level of First Amendment protection because he spoke as an uninformed private citizen on matters of general interest. Plaintiff's posts harmed the Fire Department's mission and interests in efficiency by undermining public trust in his impartiality and trustworthiness. Plaintiff's posts also disrupted the Fire Department's operations by diverting time, energy, and resources away from core functions. For these reasons, detailed in the accompanying memorandum of law, statement of undisputed material facts, and exhibits, the Court should find that the Metropolitan Government did not retaliate against Plaintiff for exercising his First Amendment rights.

Respectfully submitted,

DEPARTMENT OF LAW OF THE  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY  
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/s/ John W. Ayers

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the forgoing has been served via the Court's CM/ECF system to:

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on this 18th day of April, 2022.

/s/ John W. Ayers  
John W. Ayers